

## **REMARKS**

Applicants thank the Examiner for the clarifying comments in the October 15, 2003 Advisory Action. Claims 1-18 are pending in this application. In the final Office Action, the Examiner rejected claims 1, 4, 5, 7, 10, 11, 13, and 17 under 35 U.S.C. § 103(a) as anticipated by United States Patent No. 4,937,703 to Rassman et al. The Examiner also rejected claims 3, 6, 9, 12, 15, and 18 under 35 U.S.C. § 103(a) as unpatentable over Rassman et al. in view of United States Patent No. 5,208,765 to Turnbull. Applicant respectfully traverses these rejections. For the reasons set forth below, Applicant believes the claims are in condition for allowance and notice to that effect is earnestly solicited.

### **Amendments to Claims**

Applicants have amended claims 1, 7, and 13. The claim amendments are supported in the claims and drawings as originally filed, for example Figs. 23A-F (formerly Fig. 1-M) and the specification:

[S]econd components which should be provided only after other necessary first components are in place may be distinguished from the primary components by having indicia coding unique with respect to the indicia coding of the first components, and likewise for tertiary components, etc. Further, indicia coding may indicate particular phases in which components of the system are delivered, and more particularly the order of delivery of various components of the web architecture framework.

Applicants' Application, page 19.

No new matter has been added by Applicants' claim amendments.

### **Claim Rejections under 35 U.S.C. § 103(a)**

#### **Claims 1, 4, 5, 7, 10, 11, 13, and 17**

The Examiner rejected claims 1, 4, 5, 7, 10, 11, 13, and 17 under 35 U.S.C. § 103(a) as anticipated by United States Patent No. 4,937,703 to Rassman et al. The Examiner stated that Rassman discloses:

presenting a first set of components of a system for providing a web architecture framework, the first set of components being indicia coded to indicate that they are to be delivered in a first phase

presenting a second set of components of a system for providing a web architecture framework, the second set of components being indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in a second phase...

Applicant respectfully traverses this rejection.

The Manual of Patent Examining Procedure (MPEP) requires that three basic criteria must be met to establish a *prima facie* case of obviousness.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

MPEP § 2142 (emphasis added.)

Rassman does not teach or suggest each element of the claims. Rassman teaches a method for allocating a static set of resources. The representation of the resources (e.g. the actual operating rooms) does not change. The only variables in the Rassman system are which rooms or equipment are occupied by whom, and when.

In contrast, Applicants' claims are directed to a specific method, system, and computer program that indicate phases for implementation of various changing components of a web architecture framework. More specifically, claim 1 as amended herein recites:

modifying the pictorial representation of the existing system to show the first set of components being indicia coded to indicate that they are to be delivered in the first phase; and

modifying the pictorial representation of the existing system to show the second set of components being indicia coded in a manner unique with respect to the indicia coding of the first set of components to indicate that the second set of components is to be delivered in the second phase.

At least these elements are not taught or suggested by Rassman. Rassman does not discuss adding components to the system, or indicia coding such components to indicated phased delivery. Moreover, using indicia coding to indicate phases of implementation of components would conflict with the resource-scheduling indicia disclosed in Rassman.

In the Advisory Action, the Examiner stated that the vertical rectangles in Fig. 7 represent indicia coding. However, Applicants' claims require the indicia coding be on the pictorial representation of the components. Applicants' presently amended claims further clarify this distinction. For example, claim 1 recites the step of "modifying the pictorial representation of the existing system to show a pictorial representation of the first set of components being indicia coded to indicate that they are to be delivered in the first phase."

In addition, Rassman does not teach or suggest a web architecture framework. If the Examiner is relying upon Official Notice, Applicants respectfully traverse and request citation of a reference.

Applicants submit that the claims fully comply with § 103(a). Applicants respectfully request reconsideration and withdrawal of this rejection.

#### Claims 3, 6, 9, 12, 15, and 18

The Examiner also rejected claims 3, 6, 9, 12, 15, and 18 under 35 U.S.C. § 103(a) as unpatentable over Rassman et al in view of United States Patent No. 5,208,765 to Turnbull.

Turnbull teaches a "method and structure for monitoring product development." Turnbull simply teaches a chart ("Product Control Matrix") of the stages in a particular product's development, i.e. a timeline. Turnbull does not, for example, teach or suggest modifying the appearance of components to indicate phased implementation of the resources into a system. To the contrary, Turnbull teaches a set of lists which depict steps in the product development process. See Figs. 8a to 15c. There is no need or suggestion to indicia code the Product Control Matrix of Turnbull, because the steps are already arranged in sequence.

Accordingly, it is believed that the claims fully comply with § 103(a). Applicants respectfully request reconsideration and withdrawal of this rejection.


**Summary**

In summary, each of claims 1-18 are in condition for allowance and a notice of allowance is respectfully requested.



Respectfully submitted,  
Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: November 19, 2005

  
Name: Jeffrey P. Cook  
Reg. No.: 48,649

K:\CLIENTS\08\08567\106US01\VP-Amd- Request for Continued Examination2.doc